

**REMARKS**

Applicant notes with appreciation that claims 9, 12, 13, 19 and 20 have been indicated to contain allowable subject matter. Accordingly, to place these claims in condition for allowance, claim 9 has been cancelled and presented as new claim 21; claim 12 has been amended to depend from new claim 21; claim 19 has been cancelled and presented as new claim 22; and claim 20 has been amended to depend from claim 22. In preparing new claim 22, it was noted that "airway" in original claim 19 did not have a proper antecedent basis and, therefore, in claim 22 "airway" has been changed to "inlet for admitting air", which phrase finds antecedent basis in original claim 17, the subject matter of which is included in new claim 22. The scope of new claim 22 does not differ from that of original claim 19, and it is submitted that all of claims 12, 13, 19, 20 and 21 are now in condition for allowance.

In response to the rejection of claims 1-7 and 14-15, as being anticipated by Brown et al. 4,266,726, claim 1 has been amended to include the limitations of original claims 2 and 3; dependent claim 4 has been presented in independent form as new claim 23; dependent claim 5 has been presented in independent form as new claim 24; claims 6 and 7 have been amended to depend from amended claim 1; dependent claim 15 has been presented in independent form as new claim 26; and claims 2-5, 14 and 15 have been cancelled.

Independent claim 1 (original claim 3) calls for a lower flow to be provided at one or both of the start of the dispense and the end of the dispense by selectively

opening or closing the dispense valves at different times during the dispense. The examiner's statement to the contrary, that feature is not found in the Brown et al. teachings at column 4, lines 1-50. The only teaching in Brown et al. that relates to initiation of flow of beverage components seems to be found at column 5, lines 49-54, whereat it is said that the handle 125 is moved to energize the solenoids 19 and 27 for an appropriate time to permit flow of the proper amounts of concentrate and water, but there is no mention of providing a lower flow at one or both of the start and end of the dispense by selectively energizing the solenoids at different times during the dispense.

Brown et al., therefore, neither anticipates nor makes obvious independent claim 1 and its dependent claims 6 and 7.

Independent claim 23 (original claim 4) calls for the outlet section of the nozzle to have a cross-sectional area matching the combined cross-sectional areas of the inlet sections, and that feature is not taught by Brown et al. Brown et al. does not address the cross-sectional areas of either the separate concentrate and diluent inlet passages or the cross-sectional area of the outlet nozzle 119, and is absent of any teaching of an outlet section of a nozzle having a cross-sectional area matching the combined cross-sectional areas of inlet sections.

Accordingly, Brown et al. neither anticipates nor makes obvious independent claim 23.

Independent claim 24 (original claim 5) requires that the inlet sections be inclined relative to the outlet section and converge to merge smoothly into the outlet section to

avoid sudden changes in the direction of flow. This feature is not found in Brown et al. To the contrary, after passing through the valve 25, the diluent flow in Brown et al. makes a sharp 90° bend in the passage 15, is then swirled through 360° or more within a chamber 85, then makes another 90° bend as it flows into the diffuser opening 103, and is then made to follow a tortuous path from the diffuser into the nozzle 119. Clearly the flow path in Brown et al. is the antithesis of one that would “avoid sudden changes in the direction of flow”.

Claim 24, therefore, also is neither anticipated by nor obvious over Brown et al.

Independent claim 26 (original claims 14 and 15) calls for the outlet section of the nozzle to be sized to match the combined flow through the inlet sections. This feature was discussed in connection with independent claim 23 (original claim 4). For the same reasons that claim 23 is allowable over Brown et al., so is claim 26.

In response to the rejection of claims 16 and 17 as being anticipated by Pirker et al. 6,056,208, independent claim 16 has been amended to call for draining the dispense nozzle through the dispense nozzle outlet. That feature is not taught by Pirker et al., in which removal of liquid from the nozzle is accomplished via application of a negative pressure to suck liquid from the nozzle at a point intermediate an inlet to and an outlet from the nozzle.

In addition, dependent claim 17 and new independent claim 27 (original claim 17 in independent form) distinguish over Pirker et al. for the reason that they call for the drain means to comprise an inlet for admitting air to the nozzle on completion of

dispense, which is the exact opposite of the Pirker et al. technique of applying a negative pressure to the interior of the nozzle to suck liquid out of the nozzle.

Consequently, independent claims 16 and 27 and dependent claim 17 patentably distinguish over Pirker et al.

The rejection of claims 8 (new claim 25) and 16, as being obvious over Brown et al. in view of Greenfield, Jr. 4,651,862, is respectfully traversed. The examiner acknowledges that Brown et al. do not have means for draining a dispensing nozzle, and therefore cites Greenfield, Jr. as teaching that feature, making particular reference to the screen 102 and teachings at column 8, lines 22-25 of Greenfield Jr. However, those teachings of Greenfield Jr. are the opposite of what applicant calls for in claims 16 and 25, each of which requires draining the dispense nozzle. In Greenfield Jr., the screen 102 provides an anti-drip feature for each projecting nipple to prevent water from dripping after a solenoid valve closes. In other words, the anti-drip feature of Greenfield Jr. prevents draining, which is contrary to the claim requirement that there be draining.

Accordingly, claims 16 and 25 (original claim 8) are allowable over the combination of Brown et al. and Greenfield, Jr.

In view of the foregoing and as all of the claims appear to be allowable, favorable reconsideration and early passage of the application to allowance are respectfully requested.

Application No. 10/615,997  
Amendment Dated June 26, 2006  
Reply to Office Action of January 26, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Lloyd". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Robert A. Lloyd, Reg. No. 25,694  
Pyle & Piontek  
221 N. LaSalle Street - Suite 2036  
Chicago, IL 60601  
(312) 236-8123